

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

The Examiner request legible drawings. Applicants hereby submits new drawings.

Approval of these drawings is respectfully requested.

All claims 1-121 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,298,060 to Miyakawa et al. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Miyakawa fails to satisfy this rigorous standard.

Although Miyakawa relates to a communication system that addresses different access technologies, Miyakawa's system is clearly directed to establishing a link layer connection rather than to an establishing an application session layer. See, for example, column 1, lines 5-8: "the present invention relates to a datalink (layer 2) integrated access scheme for providing a communication channel which transmits PPP (Point-to-Point Protocol) packets and PPP related information (such as login prompt, password prompt, etc.), independent of a physical channel, to realize multi-functional access to a computer network." See also the Summary of the Invention: it is "object of the present invention to provide a datalink (layer 2) integrated access scheme." Column 3, lines 44-45 defines "L2IA" as Layer 2 Integrated Access.

As explained on page 3 of the background section of the present application, the "datalink layer provides reliable transmission of a data across a physical network link." In contrast, the

session layer is a higher protocol layer that "establishes, manages, and terminates communication sessions between presentation layer entities...common data representation formats enable the interchange of application data between different types of computer systems." See page 4. The independent claims 1, 13 and 25 and specifically recite establishing "an application layer session between two or more users," which is "separate from a link layer connection between the users." Being directed to a link layer 2 integrated access scheme, it is not surprising that Miyakawa fails to disclose the claim features recited in the independent claims.

Miyakawa also fails to disclose "initiating an application layer session by a first user with a second user by sending an application layer session invitation request signal from the first user over the network." The Examiner refers to column 8, lines 35-42 as allegedly teaching this feature. But this text relates to establishing a data link layer 2 channel, as clearly explained at lines 43 and 44 of column 8. It does not relate to establishing an application layer session that runs "on top of" lower protocol layers such as the data link layer. Although the Examiner refers to the L2IA relaying network 100 as corresponding to the claimed intermediate point, this again is a layer 2 entity. There is no teaching in column 8 that this layer 2 relay network 100 ever receives and processes an application layer session invitation request.

Miyakawa fails to disclose L2IA relay network 100 "associating an application layer invitation identity to the request." The Examiner refers to column 6, lines 59-63 and specifically identifies the L2IA identifier. First, the L2IA identifier is not an application layer session identity, but instead, is a data link layer identity. It certainly is not associated with an application layer session invitation request. Second, in addition to being identifiers on different layers, the claimed application layer session invitation identity refers to a particular session invitation such as an attempt by user A to call user B. If Miyakawa's system were to be used, (only as a non-

limiting example), in the communication system claimed in claim 1, then an additional application layer session invitation identity would need to be associated with the request in addition to the L2IA subscriber identity in order to allow the intermediate point to separate and distinguish between several concurrent outstanding requests to the L2IA subscriber.

Miyakawa fails to describe "the second user selecting an end point and/or at least one access configuration for responding to the application layer session invitation request." The Examiner refers to column 8, lines 17-23 and 43-55. This text is not applicable. The L2IA subscriber corresponds to a user terminal. As explained by Miyakawa in column 7, line 20, the "L2IA subscribers are devices," and not users. See also column 8, lines 29-34 in which the "L2IA subscriber" has function of a transmission and reception control. This can not correspond to a "user" function. In contrast, the claims recite that the second user selects an end point and/or at least one access configuration.

The claims recite that the response to the request includes "appending the application layer invitation identity" to the application layer session invitation request. The Examiner refers to column 9, lines 10-17. Here, Miyakawa is referring to a terminal identifier, which is not the same as the claimed application layer session invitation identity.

Miyakawa further fails to disclose the L2IA relay network 100 "associating the response with the application layer session invitation request signal an establishing the application layer session," as claimed. The Examiner refers to column 8, lines 17-23 and 43-55. This text does not relate to what is being claimed because it deals with configuring the transport channel. Miyakawa is concerned with managing a PPP connection and not with associating a response to an application layer session invitation request.

Lacking multiple features from the independent claims, Applicant submits that the anticipation rejection based upon Miyakawa is improper and should be withdrawn.

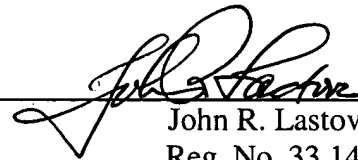
Many dependent claim features are also not disclosed by Miyakawa. For example, claim 11 and 23 relate to "adjusting timers in application layer session establishment protocols to allow for the time required for the possible change of end point and/or access configuration." The text at columns 20, lines 52-65 in Miyakawa referred to by the Examiner relates to a reconnection after an interruption in a communication. There is no interruption of the established session between end users in claims 121 and 23. Thus, the storage time discussed by Miyakawa in column 20 is not relevant to the timers recited in the independent claims. In addition, dependent claims 122-124 relate to multiple sessions being conducted between the first and second users. Multiple sessions are not disclosed or suggested by Miyakawa.

The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


John R. Lastova
Reg. No. 33,149

JRL:at
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1-4. These sheets, which include Figs. 1-4, replace the originals.